

**ASSEMBLY BILL**

**No. 992**

**Introduced by Assembly Member Spitzer  
(Principal coauthor: Assembly Member Umberg)  
(Coauthor: Assembly Member Cohn)**

February 22, 2005

An act to amend Section 633 of the Penal Code, relating to law enforcement surveillance.

LEGISLATIVE COUNSEL'S DIGEST

AB 992, as introduced, Spitzer. Law enforcement surveillance.

Existing law generally prohibits wiretapping, eavesdropping, and monitoring cordless or cellular phone transmissions, as specified. Violation of these provisions are crimes. Existing law also excepts, subject to certain conditions, various law enforcement entities from these prohibitions.

This bill would add to the list of law enforcement entities exempt from those prohibitions, as specified, officers of the University of California and officers of the California State University.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 633 of the Penal Code is amended to
- 2 read:
- 3 633. Nothing in Section 631, 632, 632.5, 632.6, or 632.7
- 4 prohibits the Attorney General, any district attorney, or any
- 5 assistant, deputy, or investigator of the Attorney General or any
- 6 district attorney, any officer of the California Highway Patrol,

1 *any officer of the University of California, any officer of the*  
2 *California State University, any chief of police, assistant chief of*  
3 *police, or police officer of a city or city and county, any sheriff,*  
4 *undersheriff, or deputy sheriff regularly employed and paid in*  
5 *that capacity by a county, police officer of the County of Los*  
6 *Angeles, or any person acting pursuant to the direction of one of*  
7 *these law enforcement officers acting within the scope of his or*  
8 *her authority, from overhearing or recording any communication*  
9 *that they could lawfully overhear or record prior to the effective*  
10 *date of this chapter.*

11 Nothing in Section 631, 632, 632.5, 632.6, or 632.7 renders  
12 inadmissible any evidence obtained by the above-named persons  
13 by means of overhearing or recording any communication that  
14 they could lawfully overhear or record prior to the effective date  
15 of this chapter.